

REMARKS

In response to the Restriction Requirement mailed March 31, 2005, being extended one (1) month to May 30, 2005, Applicants hereby elect, with traverse, the claims of proposed Group I (claims 1-3, 9, 10, 15-17, 19-22, 28, 29, 34-36, 38-42, 47, 48, 53-55, 57-60, 66, 67, 72-74 and 76), allegedly drawn to a mammalian anti-Dengue virus antibody, for prosecution in the subject application. In response to restriction on sequences, Applicants elect, with traverse, SEQ ID NO: 4 for prosecution in the present application. Applicants draw the Examiner's attention to the placement of claim 42, relating to an isolated nucleic acid, in Group I and request confirmation of the placement of this claim in Group I.

It is only proper to require restriction between patentably distinct inventions if there would be a serious burden on the Examiner if restriction is not required. *See* MPEP § 803(A) and (B) (referring to MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02). It is respectfully submitted that no serious burden would be placed on the Examiner to examine the claims of Groups I–VII together, and SEQ ID NOS: 1-4 together.

Claims 77 and 91 have been amended to insert missing words and correct other phrases. In particular, the words “amino acids” have been added so that it is clear what “1-3” modifies. Support for this amendment is found in the specification as filed in paragraph [0089]. Claim 91 has been further amended to correct the recitation of a Markush group, and to replace “SEQ ID NOS: 3 and 4” with “a Dengue virus NS protein”. Support for this amendment is found in paragraph [0002] of the specification as filed. None of the aforementioned amendments introduces any new matter.

Applicants traverse the composition of Group I. The composition of the antibody recited in Claims 77 and 91 is clear, and both claims relate to “mammalian anti-Dengue virus antibodies”, therefore, claims 77 and 91, and the dependant claims 78-79, 85, 86, 92-93 and 95 (Group VII) belong in Group I. Applicants respectfully request that the claims of Group VII, as amended herein, be included in Group I and examined together.

Claim amendments have been made so that the claims of Groups III and IV will depend from the claims of Group I to ensure automatic rejoinder upon the allowance of the claims in Group I. Claims 11, 49 and 68 have been amended to depend from claim 1, claim 30 has been amended to depend from claim 20, and claim 87 has been amended to depend from claim 77.

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Support for these amendments is found in the claims as filed, and paragraph [0005]. No new matter has been added by these amendments.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims. Receipt of the initial Office Action on the merits is awaited.

If there are any fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

May 27, 2005



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